

## **REMARKS**

Reconsideration of the application, in view of the arguments presented herein, is respectfully requested.

### **I. STATUS OF CLAIMS**

Claims 1-26 are pending in this application. Claims 23-26 have been allowed.

### **II. 35 U.S.C. 103(a) REJECTIONS**

Claims 1 and 8 were rejected under 35 U.S.C. 103(a) for obviousness over U.S. Patent Application Publication No. US2002/0150092 to Bontempi et al. (“the Bontempi publication”). Moreover, claims 2-7 and 9-22 were rejected under 35 U.S.C. 103(a) for obviousness over the Bontempi publication as applied to claims 1 and 8 above, and further in view of U.S. Patent Application Publication No. US2003/0150092A1 to Jones et al. (“the Jones publication”).

Initially, Applicants acknowledge with appreciation the Examiner’s indication in the instant Office Action that claims 23-26 have been allowed.

In response to the obviousness rejection, it is respectfully asserted that the above combinations involving the Bontempi publication are improper because the Bontempi publication is not a valid prior art reference for the above rejections.

The Bontempi publication is owned by the same owner as the present application, Nokia Corporation. Moreover, the Bontempi publication and the present application were, at the time the invention of the present application was made, **commonly owned**.

In accordance with **MPEP § 706.02(I) (2) (II)**, it is understood that the above statements alone are sufficient to disqualify the Bontempi publication from being used in

a rejection under 35 U.S.C. § 103(a) against claims of the present application. Thus, the Examiner is requested to withdraw the above 35 U.S.C. 103(a) rejections to claims 1-22 based upon the Bontempi publication.

### **III. CONCLUSION**

In view of the arguments set forth herein, it is believed that all pending claims as currently presented are in condition for allowance. A notice of allowance is respectfully requested.

According to currently recommended Patent Office policy, the Examiner is requested to contact the undersigned at the telephone number provided below in the event that a telephone interview will advance the prosecution of this application. An early and favorable action is earnestly solicited.

No fees are believed due with this response. However, if any fees are due, then please charge them to deposit account no.: 50-1924.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott L. Appelbaum", written over a horizontal line.

Scott L. Appelbaum  
Reg. No. 41,587  
Harrington & Smith, LLP  
4 Research Drive  
Shelton, CT 06484-6212  
Tel.: (203) 925-9400, ext.: 19



### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on the date shown below in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313

5/6/05  
Date

Ann O'Brien Towell  
Signature of Person Making Deposit